



W.P.(MD).No.30878 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.30878 of 2024
and
W.M.P.(MD).No.25951 of 2024

I.Jonhson,
Property Officer,
CSI, Madurai – Ramnad Diocese,
AVH Building, 1st Floor,
162, East Veli Street,
Madurai – 625 001.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Secretariat,
Chennai.
- 2.The District Collector,
O/o. the District Collectorate,
Dindigul District.
- 3.The District Revenue Officer,
Dindigul District,
Dindigul.
- 4.The Revenue Divisional Officer,
Dindigul District,
Dindigul.



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5. The Block Development Officer,
Nilakottai Taluk,
Dindigul District.

6. The Kullalakundu Panchayat,
Represented by its President,
Kalladipatti Village,
Nilakottai Taluk,
Dindigul District.

7. The Tahsildar,
Nilakkottai Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondents from proceeding with the construction of building in the land to an extent of 4 cents comprised in Natham S.No.124/18 (Old S.No.92 Part), Kalladipatti Village, Nilakottai Taluk, Dindigul District belonging to the petitioner Diocese and consequently to direct the respondents to remove the unauthorized construction made thereupon within the period that may be stipulated by this Court.

For Petitioner : M/s.H.Jasima Yasmin

For R-1 to R-4 : Mr.S.Shaji Bino

& R-7 Special Government Pleader

For R-5 & R-6 : Mr.J.Ashok

Additional Government Pleader

ORDER

By consent of both sides, the Writ Petition is taken up for final disposal at the stage of admission itself.



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2. This Writ Petition has been filed for a Mandamus, forbearing the respondents from proceeding with the construction of building in the land to an extent of 4 cents comprised in Natham S.No.124/18 (Old S.No.92 Part), Kalladipatti Village, Nilakottai Taluk, Dindigul District belonging to the petitioner Diocese and consequently, to direct the respondents to remove the unauthorized construction made thereupon within the period that may be stipulated by this Court.

3. The petitioner herein had given a representation to the fifth respondent on 25.11.2024 to remove the unauthorized construction made in Natham S.No.124/18 (Old S.No.92 Part), Kalladipatti Village, Nilakottai Taluk, Dindigul District belonging to the petitioner Diocese. Since the said representation was not considered, the present Writ Petition has been filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers



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under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 25.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein, as well as all other persons, who may be interested in the subject matter, within a period of three (3) months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
06.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

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The State of Tamil Nadu,
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3. The District Revenue Officer,
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Dindigul District,
Dindigul.
5. The Block Development Officer,
Nilakottai Taluk,
Dindigul District.
6. The President,
The Kullalakundu Panchayat,
Kalladipatti Village,
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7. The Tahsildar,
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